

BOARD OF VISITORS  
VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND  
October 29, 2009  
10 a.m. – 3 p.m.

Members Present: Senator Emmett Hanger, Delegate Matt Lohr, Virgil Cook, John Pleasants, Alice Frick and Helen Sandidge

Others Present: Dr. Nancy Armstrong, Superintendent VSDB,

Members Absent: Delegate Steve Landes and Jane McNeil

***Opening Remarks:*** Senator Hanger thanked everyone for coming and attending. Many have been interested in reestablishing this board. This will be good for the many challenges that the school is facing.

***Introductions:*** Two student representatives welcomed the board. LaQuincy Ferrell introduced himself. He is from South Boston, plays soccer, basketball and loves this school. Timothy Cave introduced himself and thanked everyone for coming. He plays basketball and soccer. He has been here since 1993. He is from Stanley.

Board members introduced themselves. Senator Emmett Hanger; Judy Wyatt for Delegate Steve Landes; Delegate Matt Lohr of the 26<sup>th</sup> district; Diane Sandidge, whose son attends VSDB; John Pleasants, who graduated from VSDB was on the Advisory Committee/Board; Virgil Cook, a 1955 graduate of VSDB and retired from Virginia Tech's English Department; Alice Frick, who is from Staunton and an alumna of VSDB and taught here for 30 years. Non-voting members: Nancy Armstrong, Superintendent of VSDB; Doug Wright, who is from the I.T. Dept; Rachel Effinger, interpreter; Doug Cox, who is from the Department of Education (DOE); Carol Swindell, Assistant Principal of the Blind Department; Jack Johnson, Principal of the Deaf Department; Janice Rankin, Director of Operations; Becky Plesko-DuBois, Director of Clinical Services; Debra Love and Samantha Vanterpool, Attorney Generals office; Becky Sigrist, Administrative Assistant.

***Purpose of the Board of Visitors***--Senator Hanger reviewed the bylaws and the BOV's mission.

***Organization of the Board***--Senator Hanger reviewed the Legislative Statue that established a Board of Visitors. The board is to have a Chair, Vice Chair and Secretary. John Pleasants nominated Senator Hanger as Chair. Senator Hanger was elected. John Pleasants nominated Delegate Lohr for Vice Chair. Delegate Lohr was elected. John Pleasants nominated Virgil Cook for Secretary. Virgil Cook was elected. After observing that it would be helpful to have an assistant secretary from the school staff, Senator Hanger suggested that Becky Sigrist serve in that capacity. The board concurred.

At this point, the newly elected secretary, Virgil Cook began taking minutes.

***Bylaws***--Senator Hanger reviewed the bylaws for the group. Deborah Love from the Attorney General's office suggested that the entire section B under Article II, Membership, on removal of members for failure to attend meetings has no basis in law. Consequently, she recommended that

the entire second paragraph under Section B beginning, “In the event of failure to perform. . .,” be struck. There is a provision for removal for malfeasance in office, but the governor, who appointed the member, would remove the member. Therefore, the board would recommend to the governor that the member be removed. John Pleasants moved that the language in question be stricken. The motion passed.

John Pleasants raised the issue of only one representative from the alumni serving on the board. Both John and Virgil Cook expressed concern that the bylaws do not specify that an alumnus from each department be on the board. Senator Hanger pointed out that the statute would need to be changed and that we could petition the General Assembly to make the change.

Samantha Vanterpool observed that there is no provision for special meetings in the statute. The board agreed that we should request a change in the statute to allow special meetings when circumstances warrant. John Pleasants moved that Section B be deleted with the understanding that we will petition the General Assembly for adding a provision for special meetings. The motion passed.

Deborah Love raised an issue with Section C, Closed Meetings. A board cannot hold closed meetings. They may go into executive session during an open meeting for reasons provided by law. She suggested that Paragraph C be deleted. Senator Hanger suggested that we change Section C to refer to closed or executive sessions instead of closed meetings. Deborah Love indicated that she could accept that change. She will address this issue in her presentation later in the meeting. She suggested striking the section that says that closed meetings will not count as regular meetings. Alice Frick moved the changes. The motion passed.

Article V, Administrative Officers and Other Offices. Samantha Vanterpool raised issue with Section 11 under duties of the superintendent. Delegate Lohr moved deletion of Number 11. The motion passed.

Deborah Love raised an issue under Article IX, -section A. Official Papers. Having all papers available on the school’s Website may prove very cumbersome. She suggested dropping the reference to official records. “Official records” is very expansive. The board might wish to specify that the minutes be available, a provision that is already required in other sections of the law. Senator Hanger suggested changing “official records” to “board minutes” and leave provision for all official records to be kept on file in the superintendent’s office for three to five years. Virgil Cook moved the change. The motion passed.

John Pleasants moved that Draft 2 of the bylaws be adopted with the proposed changes. The motion passed.

Senator Hanger returned to the provisions that would require statute changes. John Pleasants moved that we request that the statute be changed to designate one member from each alumni association—the blind association and the deaf association—to serve on the board. Virgil Cook suggested changing one member to two members from the alumni associations, one from the blind department and one from the deaf department. The motion to request the changes passed.

The second issue is changing the provision on special meetings so that the board will not be constrained by being limited to four meetings a year. John Pleasants move that we request the General Assembly to change the statute to allow for special meetings as needed in addition to the four regular meetings. The motion passed.

***Freedom of Information Act***—Deborah Love, Attorney General’s Office. Ms. Love outlined the sections of the Freedom of Information Act (FOIA) that are especially important for the board. She said that all board records are open to inspection by the general public. The remaining requirements flow from this overall requirement. The board is a public body and all of its deliberations and records are available to the public. Any committee meeting is also a public meeting. The general public is entitled to adequate notice of a meeting of the board or its committees. Any discussion among three or more members about board business constitutes a public meeting. This definition applies to informal discussion, at a party for example. Because there was no public notice, such a meeting is illegal.

Any special meetings require a three-day notice.

There are some 40 reasons why a board may go into executive session—to discuss personnel issues or student discipline, for example. Before going into executive session, the reason for the executive session must be stated, and the board must vote to go into executive session. You may take notes at such meetings, but it is not required. You must stay on topic, discussing only those topics for which you went into executive session. You can take only straw votes in executive session. Members must then be polled individually when the public meeting is resumed. If a member cannot certify a vote, she/he should voice objection at this time.

To constitute a quorum, the required number of members must be in one location. Any video or telephone link is also subject to notice. If a member cancels an appearance at a remote location, the broadcast must still be open to the public. If the connection for a remote feed is dropped, the meeting must be suspended until the connection is restored.

FOIA usually prohibits disclosing a student’s educational records.

All correspondence about board meetings are public and subject to FOIA. Each member is responsible for keeping records of his/her correspondence. You might copy e-mails to the assistant secretary, but it is still a good idea for each member to keep personal records.

Even verbal requests for information are allowed under FOIA. Therefore if you receive such a request, you should immediately notify the assistant secretary of the request. You can extend the deadline for granting such a request up to 12 days. The agency may charge for providing such records. You do not have to create a document to answer a question; you merely provide the relevant documents.

Training material on FOIA is available on the Attorney General’s Website.

### ***Presentations***

Nancy Armstrong, Superintendent--We currently have 123 students, 29 of whom are day students. The local school system usually transports its day students to the school. We have 23 residential students.

Rebecca Plesko-DuBois, Director of Clinical and Support Services--The purpose of the department is to provide students with the support they need to be successful in the program. She is responsible for students in both departments. The staff consists of personnel such as an audiologist, two psychologists, two guidance counselors, a dorm teacher, two occupational therapists, a physical therapist, three speech language therapists, a social worker and a transition specialist. We offer programs to help transition from school into higher education or the workplace. We are a state, newborn hearing evaluation facility.

Jack Johnson, Principal of the Deaf Department--We serve children from age two to 21. About 35% of the staff is deaf. All faculty members in the deaf department are advanced signers. Teachers must be certified in their subjects. Students are subject to the requirements of the Standards of Learning (SOL).

Carol Swindell, Assistant Principal of the Blind Department--We offer training in Braille, orientation and mobility, software such as Jaws. We also offer instruction for deaf-blind students. All students took the SOL test with accommodations.

Nancy Armstrong for Nathan McLamb, Human Resource Director--We have both salaried and wage positions. We have 58 faculty positions, and 57 are filled. We are authorized for 122.5 positions with 118.5 filled. We are holding back on filling some positions because of the budget reductions. The turnover rate for 2009 was 11%. Twenty people separated from the school—3 retirements, 4 due to poor performance, 5 for better job opportunities, 4 due to family relocation, 1 for personal reasons. We are subject to state and federal requirements, and the dorm licensure program requires extensive training. The superintendent has a cabinet who meet once a month.

Janice Rankin, Director of Operations--We are facing a 10% cut from our General Fund allotment. Overall, the budget has been reduced to 88%. We received some \$900,000 in federal grants, including No Child Left Behind, Title I and Title II. We are receiving some stimulus money under Title I. We have awarded contracts for metal roofing. We are proceeding with asbestos removal, particularly from the old steam system that connects VSDB with the Department of Corrections. Because of safety issues, the brick walks are being redone. The bricks are being replaced with brick pavers.

We have seven full-time housekeeping staff and two part-time staff as well as 11 maintenance personnel.

Mary Murray, Director of Student Life Office--The residential program is especially important. One of the most important parts of the education is how the students get along and become independent. We have the ability to help students develop into strong adults. We have sports teams that travel to other schools, specifically to other deaf and blind schools. Virgil Cook raised the issue of public-school students being, as it were, shoved into a corner where they do not interact with other students or participate in extra-curricular programs. Alice Frick indicated her concern that parents are often not told about the availability of the school and what it has to offer. Senator Hanger indicated that these were concerns that we can address.

**Capital Project Update:** Chinh Vu, VSDB Project Manager with Department of General Services; Ken Bunch, Architect with Ballou Justice Upton; Fulton Sensabaugh, Construction Manager with Kjellstrom and Lee Construction.

Ken Bunch presented an overview of the project. Stuart Building is being renovated for a student center and a media center. The main bus drop-off point will be at the Stuart Building where students can store luggage on homegoing week-ends. The entire bus loop will be redone. The new educational building will serve middle and high school students of both departments. The Peery-Swanson complex will become the elementary school. Peery will be completely gutted. The Bradford Infirmary will remain. The new academic building will be just north of Bass reaching westward to occupy the space formerly occupied by the maintenance building. The academic building will also have an atrium to maximize natural light. Carter Hall will be razed to make way for a deaf dormitory, and Price may be razed to make way for parking when funds are

available. Harrison will be razed and a blind dormitory built on the space. Battle Hall will remain but will not be used for the students because of the difficulty of making both the building and the site accessible because it is downhill from the rest of the construction. The renovation/building project was confined to the highest part of the campus because of handicapped accessibility. To include buildings such as Battle, Healy, and Strader would be extremely expensive to make them accessible from the main part of the campus. In response to a question from Alice Frick, Ken Bunch indicated that there would be many strobe-lit alarms to inform the deaf of fire alarms and other security alerts. All walls and windows are designed to insulate from noise.

Construction should be complete in late 2011.

Chinh Vu then went through the current construction, showing slides of the work. Underlying rock slowed early excavation for the maintenance building. Stuart required installing underpinning underneath the existing foundation. It's really a foundation under the existing foundation. The underpinning must be constructed a block at a time to prevent the building from shifting. There is a monitoring station to show how the building is shifting. We are making sure that the media center and the library in Stuart are State of the Art.

All electric service will be underground. There will be no utility poles on campus. Thus, the campus utility service will be free of the hazard of falling trees. There will be generators that can supply power to the dorms and other critical areas for up to five days.

**Bylaws Once More**—Senator Hanger observed that we had recommended some cleaning up of the language in the bylaws. Delegate Lohr moved to authorize the staff to make such revisions. The motion passed.

At this time, the meeting was recessed for lunch in the cafeteria.

**VSDB Foundation Funds**—John Ackerly, Davenport & Company. Davenport and Company has existed since 1863 and is the largest, private investment company in Virginia. We started asset management in 1954. Here we employ the same strategy as we do for our employee, retirement funds. We have had the VSDB Endowment account since 1995. At the end of September, the value of the account was about \$2.7 million. Some 73% of the VSDB Endowment Fund is invested in equities. The account allows up to 80% in equities. The company usually takes about 20% less risk than do other investment firms. Technology stocks are doing well while telecommunications is not. There is a lot of liquidity in the cash market. Since the market is up, people are willing to take on more risk.

**Legal Ramifications**—Deborah Love. The board is a public body, meaning that it is under certain legal constraints on how it spends that money. The foundation funds, however; are not public funds. Therefore, they are not governed by the same legal constraints as public funds. At present, the State Board of Education is the trustee for the foundation. To have a public body as trustee is undesirable, for we don't want any mixing of these funds with state general funds. She suggested that we have a member of this board work with the foundation to transfer the trusteeship to a new board, preferably a board that would primarily include persons not on the BOV. Ms. Love suggested that we ask the foundation board, which is the State Board of Education, to hire a private law firm to prepare the documents to craft the new model. We need a private law firm because the foundation is a private, not a public body. The Attorney General's office has no authority to represent private bodies. Then the current foundation could meet early in 2010 to make the transfer. Nancy Armstrong informed the board that, partly because of the

transition to the BOV, the foundation spent no money this year, which it usually uses for technology. The transfer needs to occur as soon as possible, for with the budget down a million dollars, we need to be able to spend some foundation money. Since 1998, the school has withdrawn approximately \$603,000 from the Foundation funds. The school is authorized to give scholarships to graduating seniors for further their education.

***Next Meeting***—Senator Hanger pointed out that the governor will present his budget on December 18. Should we try to meet during the week of December 21 or wait until early January? Since we lost our quorum when Delegate Lohr had to leave, the rest of the members agreed to polling the board about meeting on December 22.

**Board Membership**—John Pleasants voiced his concern that because some appointees have not completed their paperwork, we don't know who all of the members are. Nancy Armstrong will call the governor's office to see if it is possible to release those names to the board.

***Adjournment***—The meeting was adjourned at 2:56 p.m.

Respectfully Submitted: Virgil A. Cook, Secretary